

FRANKKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM, 203
OCTOBER 14, 2020 AT 7:00 PM

THOSE PRESENT: Ruthie Mannix, President; Ed Derickson, Denny Brown, Glenn Bailey: Robert Braun (absent). Also present were Tammy Davis, and Cindy C. Orschell.

Pledge of Allegiance

Roll Call

MINUTES of September 9th, 2020 – MOTION – Glenn Bailey moved to approve minutes, second by Ed Derickson. AIF. MC.

Mallard Cove, aka Bill Gibbs – Area Plan Commission needs to sign off on plat, so it can be recorded. **MOTION-** Ed Derickson moved to sign-off on Mallard Cove, Glenn Bailey 2nd. Denny Brown abstained. Motion failed. It was questioned if an abstaining vote goes with the majority. Ruthie Mannix – Sara Duffy is correct, an abstention vote is a non-vote; therefore, by abstaining from a vote, it will not go with the majority. Ed Derickson– is plat available. Andy Murry – yes.

Ed Derickson– time to review it? Denny – didn't want to vote because he was not involved when it was approved, if a quorum means he has to vote, he will change his vote. Ruthie Mannix – we may need to rethink this (APC membership) with the town's member representative is only on the board for a year. Denny Brown– the only thing they can do is read the minutes of the board and act, they may or may not be there at the time. If it's a problem he will vote with the majority. **MOTION –** Ed Derickson to approve final proposal for the development, Glenn Bailey 2nd. AIF. MC. Ruthie Mannix – vote is for the original plan of Mallard Cove, a unanimous vote to approve it. Sara Duffy – questioned who spoke on Mallard Cove? It was the surveyor Andy Murray.

SD-1-20-21632 for North American Development aka Bryan Metz to replat (split) lot 36 of Autumn Oak Estates in Section 25 in Whitewater Township, parcel # 24-17-25-210-036.000-021 located on Oak Haven Drive. Let record show that Proof of publication and notifications from adjoining property owners were in order. Plat was presented. Amber Orozco, Attorney for Bryan Metz – he has submitted an application to slit two lots, making 3 lots into 2. It will go the adjoining land owners, recorded 4 covenants that can have been amended, in particular # 1 states no further subdividing. They are taking 2 lots and giving them to adjoining lots, 40 of the lot owners have signed the agreement to amend those covenants.

No comments from public.

MOTION – Glenn Bailey moved to accept the change of the covenants as mentioned and the replat, Denny Brown 2nd. Ruthie Mannix - to approve the plat as described. MC. AIF.

SD-2-20-21673 for Charles & Michelle Hatfield to replat (combine) lots 14 and 18 of Strohmier Estates in Section 16 of Whitewater Township, parcel #'s 24-17-16-201-014.000-021 and 24-17-16-201-018.000-021 located on Teal Lane. Andy Murray, Surveyor - did the replat for lots 14 and 18, the purpose of this replat is to remove the lot line between 14 and 18, to combine those two lots to make one lot.

Let record to show proof of publication and notifications from adjoining property owners are in order, plat was presented.

Ruthie Mannix– it's my understand the residence will be on the lot line. Andy Murray – it's going to be close to the lot line and they didn't want to be bound by the setbacks by that line. Would like to request for the 30-day waiting period for final approval be waived. Ruthie Mannix – questioned Cindy Orschell. Cindy Orschell- a typical procedure to approve a subdivision, there is a primary and a secondary approval and it takes place 30 days after. Tammy Davis– is unsure if it necessary on a re-plat but you could include a motion with a waiver to be safe. Ruthie Mannix - the motion would include a waiver?

MOTION -Glenn moved to accept the replat with the waiver, Ed Derickson 2nd. AIF. MC.

CU-3-20-21670 for Rebeka Niese for a Class II Child Care Home at 4033 State Road 252 in Mt. Carmel Corporation, parcel # 24-11-28-497-010.001-020 located in a Residential-3 zoning designation. Ben and Rebeka Niese were present. Let the record show the notifications from adjoining property owners, and proof of publication, site plan, development and description are all on file.

Rebeka Niese – make the home into a in home day care, and need to get it zoned for the license for the child care home.

Ruthie Mannix– have you applied for the license? Rebeka Niese– no, they are unsure which route they are going to take, if they have more kids. Ben Niese – the house is existing, and wanting to get the conditional use cleared, and apply for loans, before they commit to a daycare. They wanted to make sure they could do the daycare first. Rebeka Niese– it is a home currently. There is an existing fence, that will be replaced.

Ed Derickson – questioned the age of the home, lead paint and has it been tested. Ben Niese- No testing some remodeling has taking place over past las few years.

Ruthie Mannix– time frame of a conditional use for work started and completed? Cindy Orschell– thinks it has to be started within the year and completed within 3 years.

Ed Derickson – asks about foundation, the heating system; is a down flow system? Rebeka Niese– no, it has furnace and will be replaced. Ben Niese – thinks that is correct. Rebeka Niese - has crawl space.

Ed Derickson – recommends to have the house inspected by a professional home inspector. Ben Niese – it currently has fuel oil furnace; it will be changed out to a heat pump

Ruthie Mannix– state requirements, up to 12 kids? Rebeka Niese – in home up to 12 kids, as an in-home day care only 12.

Denny Brown – feels the septic may be an issue. Rebeka Niese – thinks it may be fairly new. Denny Brown-highly recommends the septic to be checked out.

Ed Derickson – the board can stipulate additional requirements. MOTION - Ed Derickson motioned to approve the conditional (favorable recommendation to the BZA) with the following requirements, have a certified inspection completed and turned in to the director for led paint, check crawl space for mold or bacteria, an inspect the septic system by a certified inspector to make sure it is adequate for this operation, Glenn Bailey 2nd. AIF. MC.

No comments from the public.

Ben Niese – asked about the inspections, is there a time frame? Tammy Davis – they have a year to begin construction.

Jeff Batchler – professional painter since 1977, been though the lead classes and to this day there is no certified lead inspector should be stricken. There is a test kit you can get to test for lead paint.

Grant Reeves – a year to commence construction, and 3 years to finish.

Tammy Davis – reads the time limit section, I would say if they being within a year. Ben Niese – can't begin any work until April.

Denny Brown – when do you plan on opening this? Ben Niese – hopefully by the end of next year.

Ruthie Mannix- revise your motion? Ed Derickson – if there's an issue it can be addressed before you go to the final, that way you have time to correct anything.

Ruthie Mannix – restate your motion, so we are clear. Ed Derickson – there are environmental inspection companies, that do lead pain inspections; and he can give you a list of them that have done inspections for him. The problems are with crawl spaces, if any duct is aging and they develop a hole in the duct, the air will pressurize the crawl space, then mold and bacteria can be forced up into the wall cavities.

Tammy Davis - was motion made and second? Ruthie Mannix -a motion was made and second, not voted on.

Ed Derickson– not changing his motion, just explaining. Ruthie Mannix– just asked him to reinstate, so we understand what his motion was. So, the motion was to send a favorable recommendation to the BZA, to require a certified inspector with no date specified just before they open on the lead paint, crawl space, and septic system. AIF. MC.

Ruthie Mannix- presented David Mannix he has a power point presentation on alternate energy systems, The APC and the Commissioners are working together to add an amendment to our zoning code, proactively for alternate energy systems.

David Mannix – working in conjunction with Tammy Davis and Grant Reeves to put together some proposed text for submission into the county code, we are not getting into the details of the code but get an overview for the APC members and Commissioners to receive copies for review. We have cross-referenced it with the Indiana Code. There is Intermediate, residential and commercial. A class 3 conditional use for Intermediate, zones permitted are all zones except flood plain. A class 2 conditional use for residential, with exception of Class 3 Conditional Use for the incorporated areas, all except Laurel; and zones permitted are all zones except Flood Plain. A class 3 conditional use for commercial, zones permitted Secondary Agriculture, Open and Enclosed Industrial ; and definitions. This is just wind and solar.

David Mannix – this is a starting point, and open for discussion. There is a development plan, operation and maintenance plan, and a decommission plan. The assurances for the county are; commercial liability insurance and surety bond requirement.

They are proposing a technical review, and an engineering professional. The technical review will review the application to make sure it meets the codes, and standards. They would also assist the commissioners and BZA on the decommissioning plan agreement. Asks the board if they have any questions.

Ruthie Mannix - has distributed the PowerPoint, and the proposed amendment.

Tammy Davis – doesn't know the board's feelings on this, the board can advertise at this time, or they can review it but final proposal will need to be in order before advertisement. Board members have copies of the proposed amendment, and must review. Tammy Davis– review it and if you have any changes. Ruthie Mannix– not ready to advertise for a public meeting.

Public Comment – Connie Rosenberger – has been approached by an agency for solar panels for the Bath Indiana area. In doing some research on damages to the prime farmland that is being considered for the solar farms. There are a number of reasons why it's a bad area, its taking up farmland, they disturb the eco system, dead wildlife, and she submitted an article on farm on dead cows of the electromagnetic field.

Installation is disruptive to the underground systems, it will affect surrounding fields and effect crops. They present a fire risk; the fumes from the fires are toxic to the environment and humans. At the end of the life span for these panels, many communities are finding that doesn't happen.

They leave toxic residue in the water. They cause erosion problems. She feels farms, foods, wildlife habitat, and human safety is more important. Presented articles to the board.

Ed Derickson – ask how long ago was it that you were approached. Connie Rosenberger– 6 or 8 months. Ruthie Mannix– asked if Grant Reeves had forwarded copies to the Commissioners, Grant Reeves – yes.

Tammy Davis – the board can review what's proposed, and if any additions or corrections then we can address it at the next meeting. Not ready to advertise for a public meeting, at least until we have a full board. Ruthie Mannix– asked if the Commissioners have appointment anybody for Mary's replacement. Grant Reeves– not at this time.

Ruthie Mannix – to continue this discussion at the next meeting.

Jeff Batchler – call a special meeting in 2 weeks to speed up the process? Meeting scheduled to discuss the amendment on Wednesday, October 21st @ 7 PM.

Sara Duffy – asked for the power point, and the proposed language be made available to the media. Ruthie Mannix – we haven't proposed it yet, it's a draft. We can send a power point, but it's just a draft of an amendment. Do we want to send a draft of an amendment, Tammy Davis– probably not a power point is fine. Ruthie Mannix – uncomfortable sending out a draft. Sara Duffy – you're having a public discussion, the public is being notified, and they can come to the meeting, but they can't see what your talking about till they get there. Is still a work in progress and that is what the next meeting will be about? Tammy Davis- at next meeting we will have proposed language and that will be on file, but right now we don't have proposed language it's still proposed discussion at this time.

VIOLATION REPORT

Derryl Cegar @ 9165 Cummins Road – vacation of roadway is still in progress, as confirmed by Tammy Davis.

Robert Barngrover @ 27137 State Road 244- Cindy Orschell - has moved the structure and disconnected it from septic and water. Does the board want the building removed? It's a construction trailer, he moved it in

and started living in it and hooked up to existing septic and electric. Ruthie Mannix - has to be removed or have a permit. Glenn Bailey– must be removed from the property.

Daniel & James Davis @ 27129 State Road 244- Tammy Davis– most things have been removed from the setbacks. The vehicles are either operable, and or licensed, court date set is set for November 2nd. Cindy Orschell - will make another site visit to see what else has to be removed.

Randy and Bridget Smith @ 6014 St. Peter's – Cindy Orschell - no site visit, but will before the next scheduled meeting.

Thomas Whipple @19151 US 52, Metamora- Tammy Davis – is attempting to get service to Tom Whipple.

Andrew Matthews@ 16195 US 52, Metamora– Tammy Davis – Is attempting to get service to Andrew Matthews, he does not live at the property.

D&J Homes @ 8089 Silver Creek Road, Metamora – Cindy Orschell- no response.

Michael Deck & Denver Petree – operating an illegal public campground. Cindy Orschell- “public/primitive camping” sign removed.

Steven Peters & Paula Godsey @ 26095 US 52– Cindy Orschell- still waiting on surveyor to survey parcel so setback can be maintained, letter was sent on October 13, 2020.

Town of Brookville, Town Park Youth Football concessions – Cindy Orschell - received an email from Tim Ripperger and its still in the process

Stacy & Allison Merrell @ 4213 US 52 – Cindy Orschell – no contact as of today's date. Board recommended to send another letter.

ADJOURNMENT – MOTION – Glenn Bailey moved to adjourn the meeting, Denny Brown 2nd. MC. AIF. Meeting adjourned at 8:45 PM.